

**ENTERED**

February 08, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

CHARLES OTIS HERRING, et al.,

Plaintiffs.

VS.

TRUEBLUE PEOPLE READY, INC.,  
et al.,

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 4:21-cv-00260

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

On September 17, 2021, all dispositive and non-dispositive pretrial matters were referred to United States Magistrate Judge Andrew M. Edison. *See* Dkt. 28. Judge Edison filed a Memorandum and Recommendation on January 19, 2022, recommending that the motions to dismiss Plaintiffs' Supplemental Complaint filed by PeopleReady, Inc. and Renewable Energy Systems Americas, Inc. (Dkts. 37, 38) be **GRANTED in part and DENIED in part**. *See* Dkt. 44.

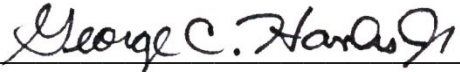
No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED and ADJUDGED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 44) is **APPROVED and ADOPTED** in its entirety as the holding of the Court; and
- (2) The motions to dismiss Plaintiffs' Supplemental Complaint filed by PeopleReady, Inc. and Renewable Energy Systems Americas, Inc. (Dkts. 37, 38) are **GRANTED in part and DENIED in part**. Specifically, Ms. Herring's § 1981 claim is dismissed, and Mr. Herring's § 1981 claim survives the pleading stage.

It is so **ORDERED**.

Signed on February 8, 2022, at Houston, Texas.

  
\_\_\_\_\_  
George C. Hanks, Jr  
United States District Judge